

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALONZO K. MORGAN and DONITA
E. MORGAN,

Plaintiffs,

v.

Case Number 08-12236
Honorable David M. Lawson
Mag. Judge Donald A. Scheer

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., CHASE MANHATTAN BANK,
AMERICA'S SERVING COMPANY, DEUTSCHE
BANK, BNC MORTGAGE, INC., and ALL THEIR
AGENTS,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING CERTAIN DEFENDANTS**

Presently before the Court is the report issued on June 26, 2008 by Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. § 636(b), recommending that this Court deny the plaintiffs' amended motion for a temporary restraining order and dismiss with prejudice certain defendants pursuant to the *Roquer-Feldman* doctrine and *res judicata*. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt

9] is **ADOPTED**.

It is further **ORDERED** that the plaintiffs' amended motion for a temporary restraining order [dkt # 6] is **DENIED**.

It is further Ordered that the claims against defendants Mortgage Electronic Registration Systems, Inc. and BNC Mortgage, Inc. are **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 15, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 15, 2008.

s/Felicia M. Moses
FELICIA M. MOSES